

HOUSE BILL 3496
By Harmon

AN ACT to amend Tennessee Code Annotated, Title 9,
Chapter 8, relative to claims against the state.

WHEREAS, at any one time, there are over 14,000 pending administrative claims or lawsuits in various courts and administrative departments of state government; and

WHEREAS, referral of these claims to mediation soon after the claims are filed would reduce the time and expenses of contested administrative and other litigation matters, and save money for the state and the claimants, who are often taxpayers; and

WHEREAS, maintaining a list of qualified mediators for the above-stated purpose, with experience in the area of the claim, would serve the state's best interest; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 8, is amended by adding Sections 2 through 5 of this act as new Part 5.

SECTION 2. All departments of state government, after valid and meritorious claims are made against the state for damages, return of property or for any other claim, shall, with the agreement of the claimant and the claimant's attorney, submit the claim to mediation.

SECTION 3. Each department of the state of Tennessee shall maintain a list of qualified mediators, with experience in the respective field of the claim or controversy, for purposes of the department and the claimant agreeing to mediation for any particular claim or controversy.

SECTION 4. The Tennessee claims commission shall create a list of qualifications for mediators based upon experience and education in the particular field of the mediation.

SECTION 5. If the claimant does not proceed to mediation, the claimant may file a claim against the state as otherwise provided in this title.

SECTION 6. This act shall take effect January 1, 2007, the public welfare requiring it.